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IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Sarvar PATEL Conf.: 1713
Appl. No.: 09/127,767 Group: 2132
Filed: February 23, 2000 Examiner: S. Kabakoff
For: METHOD FOR TWO PARTY AUTHENTICATION AND KEY AGREEMENT

REQUEST FOR AN ORAL HEARING BEFORE THE BOARD OF APPEALS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

May 8, 2003

Sir:

In response to the Notification of Non-Compliance Regarding Oral Hearing mailed May 1, 2003, a copy of which is attached hereto, Applicant hereby respectfully requests an oral hearing before the Board of Appeals for presenting an argument in connection with the above-identified application.

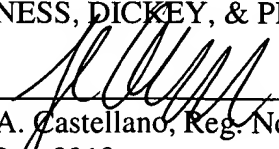
The required fee of \$280.00 was previously paid with the filing of the Reply Brief on July 22, 2002.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 12-2325 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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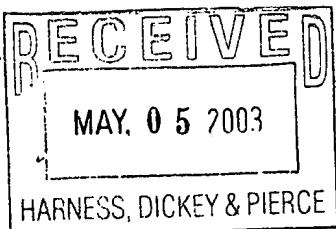
Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By 
John A. Castellano, Reg. No. 35,094
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Reston, Virginia 20195
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Paper No. 16



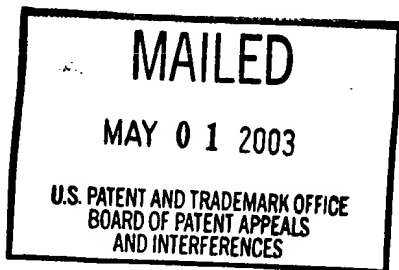
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte SARVAR PATEL

Appeal No. 2003-0446
Application No. 09/127,767

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NOTIFICATION OF NON-COMPLIANCE REGARDING ORAL HEARING

The file record reflects that the appellant filed a Reply Brief (Paper No. 13) on July 22, 2002. On page 1 of the Reply Brief, appellant included a section requesting an oral hearing in connection with the appeal.

Effective December 1, 1997, 37 CFR § 1.194(b) was amended to provide that a request for an oral hearing must be filed in a separate paper.¹

¹ 37 CFR § 1.194(b) provides in pertinent part:
If appellant desires an oral hearing, appellant must file, in a separate paper, a written request for such hearing accompanied by the fee set forth in § 1.17(d) within two months from the date of the examiner's answer.

Since the appellant's request for oral hearing was not filed in a separate paper as required by 37 CFR § 1.194(b), the request for an oral hearing cannot be granted. Further, the \$280 fee for the oral hearing fee submitted with the Notice of Appeal is refundable under 37 CFR § 1.26 since it was paid by mistake or in excess of that required.

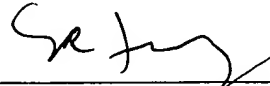
If appellant desires the \$280 fee for the oral hearing fee to be refunded, a request for refund should be filed as soon as possible.

If appellant still desires an oral hearing, a petition under 37 CFR § 1.183 must be filed **within two weeks** of the mail date of this notice. Such a petition must include (1) a request to suspend the separate paper requirement of 37 CFR § 1.194(b); (2) a showing of facts to establish that an extraordinary situation exists and that justice requires the separate paper requirement of 37 CFR § 1.194(b) be suspended or waived; and (3) be accompanied by the petition fee set forth in 37 CFR § 1.17(h). This **two week time period** for filing a petition under 37 CFR § 1.183 is not extendable under 37 CFR § 1.136(a). The failure to timely file a petition under 37 CFR § 1.183 will

result in the appeal being decided without an oral hearing (i.e., on brief).²

By Order of the:

BOARD OF PATENT APPEALS
AND INTERFERENCES



Craig R. Feinberg
Program and Resource
Administrator

John A. Castellano, Esq.
Harness, Dickey & Pierce, P.L.C.
P.O. Box 8910
Reston, VA 20195

² If the appellants decide not to file a petition under 37 CFR § 1.183, the Board of Patent Appeals and Interferences would appreciate written notice thereof so that a decision on the appeal can be expedited.